

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator)	
By)	
)	
Mettawee Community School)	File No. SLD-235263
West Pawlet, Vermont)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: May [], 2002

Released: May [], 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Mettawee Community School (Mettawee), West Pawlet, Vermont.¹ Mettawee requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) concerning Mettawee's application for discounts under the schools and libraries universal service support mechanism.² For the reasons set forth below, we deny Mettawee's Request for Review.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its technological needs and the services for which it seeks discounts.⁴ Once the applicant has complied with the Commission's competitive bidding requirements and entered into agreements

¹ Letter from Nancy M. Mark, Mettawee Community School, to Federal Communications Commission, filed February 12, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ 47 C.F.R. § 54.504 (b)(1), (b)(3).

for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carriers with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵ The applicant generally provides such information in a Block 5 worksheet of the FCC Form 471.⁶ One Block 5 worksheet is required for each funding request.⁷ For each Block 5 worksheet, SLD also requires that applicants provide Item 21 attachments describing all the services and products that a particular service provider is providing.⁸

3. On January 22, 2001, Mettawee filed its FCC Form 471 with SLD.⁹ Mettawee's FCC Form 471 contained only one Block 5 worksheet which indicated that Mettawee was seeking discounts for telecommunications services from New England Telephone and Telegraph Company, Vermont.¹⁰ Mettawee also filed Item 21 attachments to this Block 5 worksheet with SLD.¹¹ The Item 21 attachment for its funding request from New England Telephone and Telegraph Company included documents relating to services from New England Telephone and Telegraph Company, as well as documents describing services from two additional service providers – OneStar and the State of Vermont.¹² SLD subsequently issued a funding commitment decision letter which granted Mettawee funding for the requested services from New England Telephone and Telegraph Company only.¹³

4. In the instant Request for Review, Mettawee seeks review of a decision by the Administrator to deny two funding requests that were not identified in Block 5 of Mettawee's FCC Form 471.¹⁴ Mettawee asserts that it provided SLD with attachments to its original FCC Form 471 application that referenced the two additional funding requests.¹⁵ Although Mettawee acknowledges that the two additional funding requests should each have been included on a separate Block 5 worksheet, Mettawee states that it was SLD's responsibility to contact the school in order to correct the school's mistake.¹⁶ Mettawee requests that SLD prove funding

⁵ 47 C.F.R. § 54.504(c).

⁶ See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (October 2000) (FCC Form 471) at Block 5.

⁷ *Id.*

⁸ Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2000) (Form 471 Instructions) at 19-20.

⁹ FCC Form 471, Mettawee Community School, filed January 22, 2001 (Mettawee FCC Form 471).

¹⁰ *Id.*

¹¹ *Id.* at attachments.

¹² *Id.*

¹³ Letter from Schools and Libraries Division, Universal Service Administrative Company to Nancy Mark, Mettawee Community School, dated August 7, 2001.

¹⁴ See Request for Review; Letter from Schools and Libraries Division, Universal Service Administrative Company to Nancy Mark, Mettawee Community School, dated November 29, 2001. The Administrator approved the funding request that was properly listed in Block 5 of Mettawee's FCC Form 471.

¹⁵ Request for Review.

¹⁶ *Id.*

for OneStar and the State of Vermont based on the attachments to its original application.¹⁷ We have reviewed the application Mettawee filed, as well as all of SLD's records relating to this application, and we conclude that SLD properly denied Mettawee's appeal.

5. We find that SLD properly relied upon the information submitted by Mettawee in the sole Block 5 worksheet of its FCC Form 471.¹⁸ In light of the thousands of applications that SLD must review and process each year, it is administratively appropriate to require an applicant to be responsible for listing their funding requests on the FCC Form 471.¹⁹ Applicants provide information about these requests and the eligible services that they have ordered on the Block 5 worksheets. Mettawee did not include a Block 5 worksheet or provide any information in Block 5 describing a request or requests for services from OneStar or the State of Vermont.²⁰ While Mettawee included attachments to its FCC Form 471 describing services from OneStar and the State of Vermont, SLD Instructions clearly state that "You will complete one Block 5 worksheet for each Funding Request."²¹ Information listed in an attachment is not an adequate substitute for the entries required by Block 5 of the FCC Form 471.²² It would significantly increase SLD's administrative costs if it had to examine every different attachment in thousands of applications to determine if an applicant has requested funding for additional services not included in Block 5. In addition, we are not persuaded by Mettawee's argument that it was SLD's responsibility to contact the school to correct the application. We find no basis for deviating from the Commission's policy of placing on the applicant the responsibility for understanding program rules and procedures. Accordingly, we find that SLD appropriately denied Mettawee's request to provide funding for services provided by OneStar and the State of Vermont.

¹⁷ *Id.*

¹⁸ See Mettawee FCC Form 471.

¹⁹ See *Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. 2000), at para. 8 ("In light of the thousands of applications that SLD review and processes each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.").

²⁰ See Mettawee FCC Form 471.

²¹ Form 471 Instructions at 16.

²² See *Request for Review by Broome-Tioga BOCES Consortium, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-112132, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 8371 (Com. Car. Bur. 1999), at para. 5.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed January 18, 2002 by Mettawee Community School IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau